

## Richard Murphy

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**From:** Richard Murphy  
**Sent:** Thursday, June 17, 2021 3:08 PM  
**To:** Jason Lietz  
**Cc:** Sean Denison; Cameron Downey; Mark Nixon; viganskydan@yahoo.com; Jason Lietz; Barbara Pitcher; Heather Grace  
**Subject:** RE: James Kennedy ZBA Variance 419 W. Front St. - ZBA Meeting and Public Hearing Confirmed on June 24, 2021 at 7:00 PM  
**Attachments:** ZoningViolationsfor419W.FrontStwithZBAappealsCodeReferencesRPM06.17.2021.pdf; 419W.FrontSt.Photostakenon06.17.2021.pdf

Hi Jason,

Please see attached two Notices of Violation for 419 W. Front St., one dated 12/28/2020 and one dated 02/08/2021. The violations were affirmed by the City Manager who was the acting Zoning Administrator at the time. I have also attached Article XXIV and Article XXVI of the zoning ordinance with highlighted sections pertaining to notices of violations and ZBA appeals for your reference. Finally attached are two photos taken today by the Zoning Officer.

Thank you and please let me know if you have any additional questions.

Rich

Richard Murphy  
City of Buchanan  
Community Development Director  
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**From:** Jason Lietz <lietzj@aol.com>  
**Sent:** Wednesday, June 16, 2021 6:55 PM  
**To:** Richard Murphy <rmurphy@cityofbuchanan.com>  
**Cc:** Sean Denison <sdenison@cityofbuchanan.com>; Cameron Downey <cdowney@cityofbuchanan.com>; Mark Nixon <mnixon@buchananschools.com>; viganskydan@yahoo.com; Jason Lietz <jslietz@comcast.net>; Barbara Pitcher <bpitcher@cityofbuchanan.com>; Heather Grace <hgrace@cityofbuchanan.com>

**Subject:** Re: James Kennedy ZBA Variance 419 W. Front St. - ZBA Meeting and Public Hearing Confirmed on June 24, 2021 at 7:00 PM

Rich:

A few follow up questions on this issue.

1. ZO Sec. 26.03(5) states that a Notice of Violation (NOV) must be issued to each violator & that copies of the NOV must be sent to the Plan Commission & City Manager. Was that done? If it was, please attach the NOV to the record of appeal and forward to the ZBA members to consider when hearing the appeal.

2. ZO Sec. 24.03(1) covers the jurisdiction of the ZBA and specifically, Sec. 1. - Appeals from Administrative Decisions, made by the Zoning Administrator (ZA). My reading of Articles 24 & 26 together, is that no appeal of an order, requirement, decision, or determination enforcing the ZO would come before the ZBA without the ZA having taken some action on the matter first. Did you initiate the NOV or have you reviewed the NOV issued by the Code Enforcement Officer and did you concur that the matter was a violation of the ZO? If so, please attach a written report to the record of appeal describing your determination and forward to the ZBA to consider when hearing the appeal.

Thank you.

Jason Lietz

Sent from my iPhone

On Jun 16, 2021, at 4:19 PM, Richard Murphy <[rmurphy@cityofbuchanan.com](mailto:rmurphy@cityofbuchanan.com)> wrote:

Dear Zoning Board of Appeals Members:

The City has received the attached appeal from James Kennedy, 419 W. Front Street. Property owner was cited for a code violation by city code enforcement officer for vehicles park parked on the front lawn of 419 W. Front Street. Property owner is appealing this citation to the Zoning Board of Appeals. A public hearing and ZBA meeting is required to hear this appeal. This meeting will still be via Zoom. My understanding is that all meetings after July 1, 2021 may be scheduled as live meetings but we are waiting to confirm those details.

We have confirmed this public hearing and Zoning Board of Appeals meeting for Thursday, June 24, 2021 at 7:00 PM. Notices have been sent to adjacent property owners and published in newspaper per ordinance and statute.

Public Hearing Notice:

A Public Hearing has been set for Thursday, June 24, 2021 at 7:00 p.m. at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan 49107. The purpose of the Public Hearing is to consider a zoning appeal to the Zoning Board of Appeals from James Kennedy, 419 W. Front St. Property owner was cited for a code violation by city code enforcement officer for vehicles park parked on the front lawn of 419 W. Front Street. Property owner is appealing this citation to the Zoning Board of Appeals. At the above time and place all interested parties will be given an opportunity to be heard.

Please join me in welcoming Mr. Dan Vigansky to the ZBA. Dan, we look forward to working with you!

Please look for the meeting agenda and my staff report to be emailed out to the commission later this week.

Thank you!

Rich

Richard Murphy  
City of Buchanan  
Community Development Director  
[rmurphy@cityofbuchanan.com](mailto:rmurphy@cityofbuchanan.com)  
269.695.3844 ext. 19

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<JamesKennedyZBAVariance419WFrontSt05052021.pdf>

<Public Hearing Notice - Appeal to ZBA - 419 W. Front St. 06.07.2021.docx>